



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

CRS

Docket No: 1814-00

27 November 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting, in effect, that his record be corrected to reflect numerous awards to which he became entitled while serving on a period of temporary duty aboard the USS MIDWAY (CV-41) and in the Philippines, specifically, the Meritorious Service Medal, Combat Action Ribbon, Navy Unit Commendation and the Humanitarian Service Medal. He also requests various other medals for his periods of service, such as the Armed Services Reserve Medal and Vietnam Campaign Medal.

2. The Board, consisting of Messrs. Pfeiffer, Silberman, and Neuschafer reviewed Petitioner's allegations of error and injustice on 25 October 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that enclosure (1) was not filed in timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. The record reflects that Petitioner enlisted in the Navy on 30 June 1972 at age 17. Subsequently, he served aboard USS AMERICA (CVA-66) during 1972 and 1973 and was then reassigned to

the Naval Regional Medical Center (NRMC), Great Lakes, IL, where he served until he was honorably released from active duty on 1 June 1976. During his period of active duty, Petitioner had no disciplinary infractions and was advanced in rate to HM2 (E-5). His DD Form 214 reflects that he received the National Defense Service Medal and the Vietnam Service Medal. It now appears that Petitioner is serving as a major in the Army Reserve.

d. Petitioner has submitted evidence to support his claim that from about 21 April to 9 July 1975, he was deployed with a surgical team from NRMC Great Lakes to the MIDWAY and Naval Hospital, Subic Bay, in support of Operations FREQUENT WIND and RESTORE HOPE, both involving rescue and treatment of Vietnamese refugees. Specifically, Petitioner has provided medical records which show that on 21 April 1975, he was inoculated against polio and cholera. He has also submitted a certificate from the United States Pacific Fleet which states that he was deployed from 21 April to 9 July 1975.

e. Petitioner has submitted affidavits from individuals who state that he was aboard MIDWAY and served in support of Operation FREQUENT WIND. One of these individuals, a member of MIDWAY's crew, has submitted documentation to show that those aboard received the Armed Forces Expeditionary Medal for service in that operation. The other three individuals state that Petitioner served with them on Surgical Team Six aboard MIDWAY during FREQUENT WIND, and they were later sent to support refugee camps in Subic Bay, Republic of the Philippines, as part of RESTORE HOPE. One of these individuals has submitted a letter of appreciation he received for participation in RESTORE HOPE.

f. An advisory opinion furnished by the Awards and Special Projects Branch in the Office of the Chief of Naval Operations (OP09B33) opined that there is no evidence that Petitioner was awarded the Meritorious Service Medal. Records do show that a Meritorious Unit Commendation was awarded to U.S. Hospital Subic Bay for its role in NEW LIFE. Also, the Humanitarian Service Medal was awarded for NEW LIFE in the Philippines for the period 20 to 30 April 1975. Awards authorized for the evacuation of Vietnamese during FREQUENT WIND included the Humanitarian Service Medal for the period 1 April to 1 November 1975, Navy Unit Commendation, Meritorious Unit Commendation and the Armed Forces Expeditionary Medal during the evacuation of Saigon for the period 29-30 April 1975. The opinion stated that the Combat Action Ribbon was not authorized in conjunction with any of the above operations.

g. In a subsequent phone call to OP09B33, it was revealed that the Vietnam Campaign Medal requires, in effect, six months in Vietnam and time on the AMERICA would not count. Further, OP09B33 stated that there is no evidence that the MIDWAY was awarded any decorations during April to July 1975. Additionally,

the Armed Forces Reserve Medal requires ten qualifying years of reserve service, for which he may be qualified given his present position in the Army Reserve.

h. An additional phone call was made to the Office of Ship's Histories in Washington, D.C., who stated that MIDWAY was heavily involved in the evacuation of Saigon and took in over 2000 refugees.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. Although there are no entries in Petitioner's record to support his claims, the Board believes that during the period 21 April to 9 July 1975, he was assigned aboard MIDWAY and participated in FREQUENT WIND, and then was sent to Subic Bay where he supported RESTORE HOPE. Accordingly, he is entitled to the Humanitarian Service Medal due to his participation in these operations. Given the evidence submitted by one of the affiants, the Board further concludes that Petitioner's service aboard MIDWAY warrants the Armed Forces Expeditionary Medal.

However, the Board further concludes that the remainder of Petitioner's requests should be denied, and essentially concurs with the input provided by OP09B33. In this regard, there is no evidence to award the Meritorious Service Medal or the Combat Action Ribbon. Petitioner may well be entitled to the Armed Forces Reserve Medal based on his service in the Army Reserve. However, he should pursue this award through Army channels. Concerning the Vietnam Campaign Medal, OP09B33 states that Petitioner's service aboard AMERICA did not count toward this medal, and although the documentation submitted by Petitioner is to the contrary, that documentation also states that his service aboard that ship was insufficient to warrant the award.

Additionally, the Board cannot justify the award of any unit citation to Petitioner. In this regard, it is conceivable that MIDWAY or Naval Hospital, Subic Bay, may have been awarded unit citations for their participation in FREQUENT WIND and RESTORE HOPE. However, Petitioner was not attached to these units, but to NRMC Great Lakes. He has not shown that the NRMC or the surgical team of which he was a member was authorized a unit award for participation in these operations.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was awarded the Humanitarian Service Medal and the Armed Forces Expeditionary Medal while participating in Operations FREQUENT WIND and RESTORE HOPE.

b. That no further relief be granted.

c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

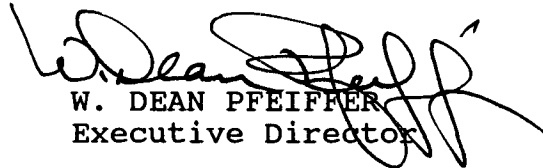
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6 (e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director